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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,050	11/13/2003	Ta-Yuan Lee	LEE0025-US	7138
7590 03/26/2008 MICHAEL D. BEDNAREK SHAW PITTMAN LLP 1650 TYSONS BOULEVARD MCLEAN, VA 22102			EXAMINER NGUYEN, HOAN C	
			ART UNIT 2871	PAPER NUMBER
			MAIL DATE 03/26/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/706,050

**Applicant(s)**

LEE ET AL.

**Examiner**

HOAN C. NGUYEN

**Art Unit**

2871

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 12-23 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 14, 15 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 11-13, 16-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

Applicant's arguments with respect to the amended claims 1, 8, 9, 11, 21 and new claim 23 based on the Response filed on 12/26/2007 have been considered but are moot in view of the new ground(s) of rejection. Therefore, this is Final action.

Claims 4-5, 14-15 and 20 are withdrawn. Claim 10 is canceled.

Applicant submitted the English translation for foreign priority, which filed on Nov. 19, 2002 before the used reference Sugawara filed on Mar. 11, 2003.

Based the amended claims 1, 11 and 21 and applicants' arguments: "the unitary display panel" raises the new subject matter:

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-3, 6-9, 11-13, 16-19 and 21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the invention, applicants describe the display apparatus having two different illumination modes. However, based on applicants' argument "unitary display panel" is the one display unit has different illumination modes, which do not discuss in the specification and do not clearly illustrate in the drawings. Therefore, "unitary display panel" may consider as the new subject matter since there is no disclosure of "unitary display panel" in the original specification.

Claims 2-3, 6-9, 12-13, 16-19 and 22-23 are rejected since they depend on the independent claims.

To reject these claims the display panel of the invention may interpret as the combination of two the organic EL panel 10 and the liquid crystal panel 20 in the used reference Uchida et al. (US7019714B2).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 11-13 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Uchida et al. (US7019714B2).

Uchida et al. teach (Fig. 4) a display apparatus selectively operated in a first mode and a second mode comprising:

Claims 1, 11 and 21:

- an electronic device selectively operated in a first mode and a second mode;
- a processor for controlling said first light source and said second light source according to modes of said electronic device as Fig. 6 shown;
- a display panel having view side and back side, said viewer side divided into a first area and a second area 10/20; in response to an image signal, said first area and second area configured to display variable data;
- a first light source for illuminating said first area;
- a second light source for illuminating said second area; when said display apparatus is operated in said second mode for conserving power of said display apparatus

wherein

- said first area and said second area are illuminated with inherently substantially same brightness by said first light source and said second light source simultaneously to make said first area and said second area having substantially same visually brightness on the viewer side when said display apparatus is operated in said first mode;
- the power consumption might further be reduced since only a required display region is irradiated (turn on while the other light source is turning off as Fig. 4 shown). This above feature inherently the following feature: said second light

source is driven to a lower brightness level (turning off) to make said second area visually darker than said first area (turn on to irradiate),

Claims 2 and 12:

- said first light source and said second light source are both turned on when said display apparatus is operated in said first mode.

Claims 3 and 13:

- wherein said first light source is turned on (to irradiate) and said second light source is turned off (to conserve power) when said display apparatus is operated in said second mode.

Claim 22:

- said mobile device comprises a mobile phone, a personal digital assistance, or a digital camera.

***Response to Arguments***

Applicant's arguments filed on Sep 12/26/2007 have been fully considered but they are not persuasive.

Applicant's ONLY arguments are follows:

- A. Uchida '714 not only fails to teach a *unitary display panel* having a viewer side and a back side, as required by the claims, but indeed teaches away from such a limitation.
- B. Uchida '714 fails to teach a first light source for illuminating said first area from said back side, as required by the claims.

C. Uchida '714 clearly fails to teach how to achieve the *substantially same visually brightness on the viewer side* for both, as also required by the claims.

Examiner's responses to Applicants' ONLY arguments are follows:

A. Examiner considers a *unitary display panel* as the new subject matter, see 112 1<sup>st</sup> paragraph above.

B. The organic EL panel includes the anode made of ITO and cathode made of low-work function metal (Cd, Mg, Li or Ba). The light (light source) is emitted from cathode side to anode. However, Uchida '714 teaches "In addition, the disposition of the **anode** **and cathode** can be reversed". Therefore, the reversed position of anode and cathode may generate the emitting light (light source) from the back to the front. An organic EL device can be used as the **light** source for the liquid crystal device.

C. Both the organic EL panel 10 and the liquid crystal panel 20 are used for display and viewed by the same viewer. Therefore, for clear view (viewer may read on both panels), both panels must have *substantially same visually brightness on the viewer side*. Besides "substantially" is relative term, the differences of brightness should be less than 99%. Thus, applicants may specify the brightness on the first and second areas of the display panel of the invention.

Since both the organic EL panel 10 and the liquid crystal panel 20 are a dot matrix type display. Therefore, for clear view (viewer may read on both panels), both panels must have *substantially same visually brightness on the viewer side*.

Uchida '714 disclose (col. 3 lines 6-10) "according to the above structure, since the above organic EL device is used as the linear light source or the surface light source for the liquid crystal device, a device that has uniform luminescence and superior visibility can be provided, and the energy consumption can be severely reduced.". Therefore, both the organic EL panel 10 and the liquid crystal panel 20 have uniform luminescence and superior visibility, thus they must have *substantially same visually brightness on the viewer side*.

### ***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HOAN C. NGUYEN** whose telephone number is (571)



272-2296. The examiner can normally be reached on MONDAY-THURSDAY:8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HOAN C. NGUYEN  
Examiner  
Art Unit 2871

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/Andrew Schechter/  
Primary Examiner, Art Unit 2871